THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.12171 OF 2005

ORDER:

1 This Writ Petition has been filed by TATA TELESERVICES LIMITED with the following prayer:

a. Issue a Writ or Order or Direction more particular one in the nature of Writ of Mandamus or any other appropriate Writ declaring the Demands of Arrears of IUC Charges claimed in its impugned Demand Notices dated 28.3.2005, 1.6.2005, 15.2.2005, 9.3.2005, 10.3.2005 and 1.6.2005 (Annexures P-1 and P-3 Colly) or other similar demands as irrational, arbitrary, illegal and ultra virus;

b. Issue a writ or order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring that the respondent is not entitled to recover these amounts by applying any coercive tactics for

c. Recovery of the same including disruption/ denial/blocking of interconnection facilities to the petitioner;

d. Issue a Writ of Certiorari or any Writ, order or direction in the nature thereof, quashing the impugned Demand Notices (Annexure P-1 & P-3 Colly) as well as the BSNL Circle Directive dated 27.5.2005 9Annexure P-2);

e. Issue a Writ of Prohibition or any Writ, order or direction in the nature thereof, restraining the respondent from in any manner whatsoever disconnecting, disrupting or denying interconnection to the petitioner within the Telecom Circle of Andhra Pradesh on account of non-payment of the alleged claim of arrears."

2. Learned Standing Counsel appearing for the respondents submits that the Tribunal constituted under the Telecom Regulatory Authority of India, 1997 has

been functioning and therefore the petitioner has to approach the Tribunal. The factual aspect of functioning of the Tribunal constituted under the Telecom Regulatory Authority of India, 1997 is not being controverted by learned counsel appearing for the petitioner. In that view of the matter, this writ petititon is disposed of with liberty to the petitioner to approach the Tribunal constituted under the Telecom Regulatory Authority of India, 1997 for necessary relief within three weeks from the date of receipt of a copy of this order. Till the petitioner approaches the Tribunal interim orders passed earlier shall continue. No costs.

Dated: 31-08-2005. (B.Seshasayana Reddy,J)

TNB

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.12171 OF 2005

Disposed of on 31.8.2005

Between :

TATA TELESERVICES LIMITED .. PETITIONER

AND

BSNL, HYDERABAD. .. RESPONDENT

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.12171 OF 2005

Dated: 31-08-2005.